



# Insurance Department

State of Utah

GARY R. HERBERT  
Governor  
SPENCER J. COX  
Lieutenant Governor  
TODD E. KISER  
Acting Commissioner

## State of Utah Title and Escrow Commission Meeting Meeting Information

**Date:** September 8, 2014

**Time:** 9:00AM

**Place:** East Bldg., Copper Room

### MEMBERS

#### COMMISSION MEMBERS

Chair, Jeff Wiener (*Insurer, Salt Lake Cnty*)      Matt Sager, (*Insurer, Maricopa Cnty, AZ*)  
Co-Chair, Larry Blake (*Agency, Washington Cnty*)      Kirk Smith, (*Agency, Weber Cnty*)  
Sylvia Andersen, (*Public Member, Salt Lake Cnty*)

#### DEPARTMENT STAFF

Perri Babalis, *AG Counsel*      Brett Barratt, *Deputy Comm.*      Mark Kleinfeld, *ALJ*  
Suzette Green-Wright, *MC Dir.*      Tammy Greening, *Examiner*      Jilene Whitby, *PIO Recorder*

### AGENDA

#### General Session: (Open to the Public)

- **Welcome** / Jeff Wiener, Chair
- **Adopt Minutes of Previous Meeting**
- **Reports**
  - Concur with Licensee Report / Tammy
  - Concur with Complaint & Enforcement Report for July & August / Suzette
  - Request for Dual Licensee Expedited Request: None
  - Request for Attorney Exemption: None
- **Administrative Proceedings Action** / Mark Kleinfeld, ALJ
  - **Stipulation & Order:**
    - Magellan Title: ECase 3511
    - Fidelity National Title Ins. Co. & Chicago Title Ins. Co.: ECase 3376
  - Request for a Hearing: None
  - Order to Show Cause: None
  - **Informal Adjudicative Proceeding & Order:**
    - Artisan Title Insurance Agency, Inc.: ECase 3528
    - Real Advantage Title Insurance Agency, LLC: ECase 3527
  - Notice of Formal Adjudicative Proceeding: None
- **New Business**
  - Who is Responsible for Escrow Records When Title Agency Closes? / Matt
- **Old Business**
  - Status of Rule R592-16: Prohibited Escrow Settlement Closing Transactions / Brett
  - Discuss Retention of Escrow Records / Matt/ Jeff/ Brett/ Perri
- **Other Business**
- **Hot Topics**

#### Executive Session (Closed to Public)

- **Adjourn:**
- **Next Meeting:** **October 20**, 2014, Copper Room

#### 2014 Meeting Schedule

(2<sup>nd</sup> Monday except in October)

Jul 14

Aug 11

Sept 8

**Oct 20**

Nov 10

Dec 8

# Title Agency Monthly Report

For the month of August, 2014

## New License

Agy_ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
175908	KEY LAND TITLE INSURANCE AGENCY LLC	8/11/2014	8/31/2016			TMR
175908	KEY LAND TITLE INSURANCE AGENCY LLC	8/11/2014	8/31/2016			TE
175908	KEY LAND TITLE INSURANCE AGENCY LLC	8/11/2014	8/31/2016			TS
176063	ARCHES TITLE INSURANCE AGENCY LLC	8/28/2014	8/31/2016			TE
176063	ARCHES TITLE INSURANCE AGENCY LLC	8/28/2014	8/31/2016			TS

## License Renewal

Agy_ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
7641	ADVANCED TITLE INSURANCE AGENCY LC	5/16/2002	8/31/2016			TE
7641	ADVANCED TITLE INSURANCE AGENCY LC	5/16/2002	8/31/2016			TS
163523	ARTISAN TITLE INSURANCE AGENCY, INC	8/24/2010	8/31/2016			TE
6528	DIXIE TITLE COMPANY	5/16/2002	8/31/2016			TS
6528	DIXIE TITLE COMPANY	5/16/2002	8/31/2016			TE
163523	ARTISAN TITLE INSURANCE AGENCY, INC	8/24/2010	8/31/2016			TS
7456	EXPRESS TITLE INSURANCE AGENCY INC	5/16/2002	8/31/2016			TE
7456	EXPRESS TITLE INSURANCE AGENCY INC	5/16/2002	8/31/2016			TS
4200	NETCO, INC.	5/16/2002	8/31/2016			TE
4200	NETCO, INC.	5/16/2002	8/31/2016			TMR
4200	NETCO, INC.	5/16/2002	8/31/2016			TS
7455	PINNACLE TITLE INSURANCE AGENCY CORP	5/16/2002	8/31/2016			TE
7455	PINNACLE TITLE INSURANCE AGENCY CORP	5/16/2002	8/31/2016			TS

## Title Agency Monthly Report

For the month of August, 2014

### Lapse Licenses

Agy_ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
6402	GUARDIAN TITLE COMPANY OF UTAH	5/16/2002	7/31/2014	7/31/2014		TE
6402	GUARDIAN TITLE COMPANY OF UTAH	5/16/2002	7/31/2014	7/31/2014		TS

# Title Individual Monthly Report

For the month of August, 2014

## New License

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
1532672	ANGELA MAE SIMMONS	08-20-2014	10-31-2016			TE
1578022	KENDRA MARIE TAYLOR	08-11-2014	04-30-2017			TE
1576764	ROBERT SAMUEL TURNER	08-28-2014	09-30-2016			TMR
1580280	JULIE A. PENMAN	08-19-2014	05-31-2017			TMR

## License Renewal

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
75523	NICHOLE ORTON	05-16-2002	08-31-2016			TE
104116	JAMES TYLER HOLDEN	07-26-2004	08-31-2016			TE
127875	ANDREA J HOWELL	04-18-2006	08-31-2016			TMR
53754	REBECCA IRENE HUNT	05-16-2002	08-31-2016			TE
103970	ELISHA M MATTHYS	07-22-2004	08-31-2016			TE
25583	MARY ANN MACKLEY	05-16-2002	08-31-2016			TE
31361	KEVIN T SHOELL	05-16-2002	08-31-2016			TS
43140	JAX HALE PETTEY	05-16-2002	08-31-2016			TE
38541	SUSAN HEINER	05-16-2002	08-31-2016			TE
36322	SUSAN G PALMER	05-16-2002	08-31-2016			TE
42656	CORRIE SUE GLOVER	05-16-2002	08-31-2016			TE
45670	STEVEN J NIELSEN	05-16-2002	08-31-2016			TS

# Title Individual Monthly Report

For the month of August, 2014

## License Renewal

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
45670	STEVEN J NIELSEN	05-16-2002	08-31-2016			TE
44536	LAREN L NALDER	04-15-2004	08-31-2016			TE
138102	JADE MURRAY	04-15-2008	08-31-2016			TS
138102	JADE MURRAY	04-15-2008	08-31-2016			TE
38575	JANET L PICKART	05-16-2002	08-31-2016			TE
49357	BRIAN K PETERSON	05-16-2002	08-31-2016			TS
35947	JOHN F DOXEY	05-16-2002	08-31-2016			TS
101692	BRENDA L BEATY	05-12-2004	08-31-2016			TE
1349827	KATHY ANN BIENZ	01-11-2008	08-31-2016			TE
43096	ANGELA K CHANDLER	05-16-2002	08-31-2016			TE
150646	WHITNEY MASHAY CHIARAMONTE	04-08-2008	08-31-2016			TE
76415	JOSEPH AARON CORBIN	05-16-2002	08-31-2016			TE
76415	JOSEPH AARON CORBIN	05-16-2002	08-31-2016			TS
131050	DIANN GREER	07-07-2006	08-31-2016			TE
44793	ANNA M IRONS	05-16-2002	08-31-2016			TS
39721	BRIAN K. DREW	05-16-2002	08-31-2016			TS
71083	SCOTT L POWELL	05-16-2002	08-31-2016			TE
80334	DESIREE DORMAN DURTSCHI	08-14-2002	08-31-2016			TE
101372	Sandy Lynn Espinoza	04-28-2004	08-31-2016			TE
148468	ANGIE D. FLINT	11-02-2007	08-31-2016			TMR

# Title Individual Monthly Report

For the month of August, 2014

## License Renewal

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
1384208	ALAN HOWARD FRIEDMAN	09-12-2011	08-31-2016			TMR
1343901	MELANIE MONGE	11-26-2007	08-31-2016			TE
73312	JESSICA GOODMAN	05-16-2002	08-31-2016			TE
34967	JIM CROCKATT	05-16-2002	08-31-2016			TE
45021	WALT A VANDENBERG	05-16-2002	08-31-2016			TE
44517	JERILYN A RODGERS	05-16-2002	08-31-2016			TE
98960	BRANDI F SAJEC	02-26-2004	08-31-2016			TE
98960	BRANDI F SAJEC	02-26-2004	08-31-2016			TS
31361	KEVIN T SHOELL	05-16-2002	08-31-2016			TE
27935	DENISE EILEEN SPRAGG	05-16-2002	08-31-2016			TE
35835	JEFF C WORTHINGTON	05-16-2002	08-31-2016			TMR
29141	KATHY K VAN HOUTEN	05-16-2002	08-31-2016			TE
103535	CALLIE MORGAN	07-08-2004	08-31-2016			TE
99183	ALISHA VAN WAGONER	02-26-2004	08-31-2016			TE
70310	ANNETTE B RAY	05-16-2002	08-31-2016			TE
45021	WALT A VANDENBERG	05-16-2002	08-31-2016			TMR
46118	STEVE M VARANAKIS	05-16-2002	08-31-2016			TMR
31926	CHARLES S WALKER	05-16-2002	08-31-2016			TE
31926	CHARLES S WALKER	05-16-2002	08-31-2016			TS
98618	BENJAMIN M WOOLF	02-11-2004	08-31-2016			TE

# Title Individual Monthly Report

For the month of August, 2014

## License Renewal

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
98618	BENJAMIN M WOOLF	02-11-2004	08-31-2016			TS
103418	CHRISTINA M PILKEY	07-02-2004	08-31-2016			TE
29141	KATHY K VAN HOUTEN	05-16-2002	08-31-2016			TS
44003	SALLY LAMBSON	05-16-2002	08-31-2016			TE
35947	JOHN F DOXEY	05-16-2002	08-31-2016			TE
45822	SHERRYL A HUTCHINGS	05-16-2002	08-31-2016			TE
39016	GARRETT L MANSELL	05-16-2002	08-31-2016			TS
44793	ANNA M IRONS	05-16-2002	08-31-2016			TE
40430	LISA W LOTT	05-16-2002	08-31-2016			TE
51740	LAILE H LOMAX	05-16-2002	08-31-2016			TS
38544	SHANE ARTHUR LIEDTKE	05-16-2002	08-31-2016			TS
32916	MICHAEL D ROBERTS	05-16-2002	08-31-2016			TS
39171	MORGAN TRENT LARSON	05-16-2002	08-31-2016			TS
32916	MICHAEL D ROBERTS	05-16-2002	08-31-2016			TE
74931	ANDREW TRENT KEYS	05-16-2002	08-31-2016			TMR
79043	J RYAN KEISEL	07-15-2002	08-31-2016			TMR
79188	JANUARY L STARK	07-19-2002	08-31-2016			TE
45717	KAREN K ISHIMATSU	05-16-2002	08-31-2016			TS
71083	SCOTT L POWELL	05-16-2002	08-31-2016			TMR
35387	ELWIN FRANCIS PRINCE	05-16-2002	08-31-2016			TE

# Title Individual Monthly Report

For the month of August, 2014

## License Renewal

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
35387	ELWIN FRANCIS PRINCE	05-16-2002	08-31-2016			TS
35835	JEFF C WORTHINGTON	05-16-2002	08-31-2016			TE
38544	SHANE ARTHUR LIEDTKE	05-16-2002	08-31-2016			TE

## Late License Renewal

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
76661	DARRELL G SIMMONS	05-16-2002	08-31-2016			TMR
36424	KELI IVIE	05-16-2002	08-31-2016			TE
36424	KELI IVIE	05-16-2002	08-31-2016			TMR

## Lapse Licenses

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
124906	DONNA S. DODD	02-09-2006	07-31-2014	8/30/2014		TE
1366731	JAMES BRETT BOREN	06-25-2008	07-31-2014	8/30/2014		TE
1469051	MILES E LIGNELL	10-06-2011	07-31-2014	8/30/2014		TE
1469051	MILES E LIGNELL	10-06-2011	07-31-2014	8/30/2014		TS
151679	SCOTT WHITNEY BISHOP	09-10-2007	07-31-2014	8/30/2014		TMR
1476320	CHRISTOPHER JOSEPH SMITH	11-16-2011	07-31-2014	8/30/2014		TMR
101419	STEPHANIE L GREEN	05-07-2004	07-31-2014	8/30/2014		TE



# Title Individual Monthly Report

For the month of August, 2014

## Lapse Licenses

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
45796	ROBYN C PARKER	05-16-2002	07-31-2014	8/30/2014		TMR
45341	PAUL M KING	05-16-2002	07-31-2014	8/30/2014		TS
45341	PAUL M KING	05-16-2002	07-31-2014	8/30/2014		TE
42946	MICHELLE ANN SORESENSEN	05-16-2002	07-31-2014	8/30/2014		TE
28262	LOIS M HALL	05-16-2002	07-31-2014	8/30/2014		TE
1366731	JAMES BRETT BOREN	06-25-2008	07-31-2014	8/30/2014		TS

## Reinstated License

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
1340494	NATALIE ANN SCHVANEVELDT	10-15-2007	04-30-2017	5/30/2010	8/6/2014	TE
91256	CHRISTINA D WHITING	06-12-2003	12-31-2015	1/30/2014	8/8/2014	TS
103396	Shanae Welsh	06-24-2004	07-31-2016	8/30/2014	8/12/2014	TE
133149	KIRK R NORD	08-25-2006	04-30-2016	5/30/2014	8/1/2014	TE
78318	JENNIFER L MOSLEY	06-19-2002	02-28-2017	7/30/2004	8/18/2014	TE
125680	CATHERINE MCGREGOR	03-01-2006	07-31-2016	8/30/2014	8/25/2014	TMR
125680	CATHERINE MCGREGOR	03-01-2006	07-31-2016	8/30/2014	8/25/2014	TE
30294	WILLIAM A AVIS	05-16-2002	07-31-2016	8/30/2014	8/11/2014	TS
30294	WILLIAM A AVIS	05-16-2002	07-31-2016	8/30/2014	8/11/2014	TE
30294	WILLIAM A AVIS	05-16-2002	07-31-2016	8/30/2014	8/11/2014	TMR

GARY D. JOSEPHSON #5299  
Assistant Attorney General  
SEAN D. REYES #7969  
Attorney General  
Attorneys for Utah Insurance Department  
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Salt Lake City, UT 84114  
Telephone: 801-366-0375  
Facsimile: 801-366-0378

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**BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF UTAH**

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UTAH INSURANCE DEPARTMENT,  Complainant,  v.  MAGELLAN TITLE, License No. 403622, 6925 S. Union Park Ctr., Suite 400, Midvale, UT 84047  Respondent.	<b>STIPULATION AND ORDER</b>  Docket No. 2014-075 PC Enf. Case No. 3511  Mark E. Kleinfield Administrative Law Judge
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**STIPULATION**

The Utah Insurance Department ("Department"), by and through its legal counsel, Gary D. Josephson, Assistant Attorney General, and Magellan Title, a Utah licensed title agency ("Respondent"), hereby stipulate and agree as follows:

1. Respondent Magellan Title is an active Utah licensed title insurance agency authorized to do business in the State of Utah under License No. 403622. Respondent's address is 6925 South Union Park Ctr., #400, Midvale, UT 84047.
2. The Department has jurisdiction over the parties and subject matter of this

administrative action.

3. Respondent acknowledges notice of agency action pursuant to Utah Code § 63G-4-210; acknowledges that this Stipulation and Order is an informal proceeding pursuant to Utah Code § 63G-4-202; and irrevocably waives the right to any hearing, review or appeal concerning this matter.

4. Respondent knows of its right to be represented by legal counsel and waives this right by either having sought the advice of legal counsel or by having voluntarily chosen not to do so.

5. This signed Stipulation and the signed and adopted Order by both the Insurance Commissioner and the Title and Escrow Commission, along with the Findings of Fact and Conclusions of Law, shall not be subject to any reconsideration, renegotiation, modification, hearing or agency review or appeal.

6. If an administrative hearing were held, the Department could offer evidence that would support the Findings of Fact presented below; therefore, the Findings of Fact and Conclusions of Law presented below are hereby agreed to.

7. The issuance of the signed and adopted Order proposed below is solely for the purpose of disposing of the specific matter entitled herein.

8. The only promises, agreement and understanding that the parties have regarding this matter are contained in this Stipulation.

9. Respondent enters into this Stipulation voluntarily, knowingly, and free from any coercion of any kind.

10. The persons signing this Stipulation on behalf of the named parties hereby affirm

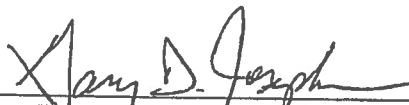
that they are authorized to sign and bind the parties.

Dated this 21 day of July 2<sup>nd</sup>, 2014.



Louie D. Hamner, President  
Magellan Title

Dated this 28<sup>th</sup> day of July, 2014.



Gary D. Josephson, Assistant Attorney General  
Utah Insurance Department

Based upon the foregoing Stipulation and Department file, the Administrative Law Judge makes the following Findings of Fact:

#### FINDINGS OF FACT

1. Respondent's licensed lapsed on February 28, 2014 and was reinstated on March 4, 2014. During this license lapsed period, Respondent conducted title and escrow insurance business.
2. Respondent's employee, Chris Sparks, had his individual producer license lapse on October 31, 2013. His license was reinstated on January 17, 2014. Respondent's designation

of Sparks had also lapsed during this time period. During this license lapsed period, Sparks conducted five escrow closings.

3. Respondent's employee, Dustin Wright, had his individual producer license lapse on December 31, 2013. His license was reinstated on January 21, 2014. Respondent's designation of Wright had also lapsed during this time period. During this license lapsed period, Wright conducted eight closings.

4. Respondent's employee, Lesley Ulibarri, conducted title and escrow business on its behalf, while at the same time maintaining an active real estate license and receiving compensation for real estate business activity.

5. Respondent was cooperative during the investigation and took full responsibility for the violations.

6. On June 4, 2014, Respondent agreed to an administrative forfeiture in the amount of \$5,000.00.

Based upon the foregoing Stipulation and Findings of Fact, the Administrative Law Judge enters the following Conclusions of Law:

#### CONCLUSIONS OF LAW

1. Respondent violated Utah Code Section 31A-23a-103 because Respondent and two of its agents conducting title and escrow business during the time period that the licenses were lapsed.

2. Respondent violated Utah Code Section 31A-23a-302 because Respondent's

required agency designations of producers had lapsed with the licenses.

3. As an unfair method of competition, Respondent violated Utah Adm. Code R592-6-4(13) by compensating one of its employees, who, at the same time, was licensed and receiving compensation for conducting real estate business.

4. An administrative forfeiture in the amount of \$5,000.00 is reasonable and appropriate in this matter.

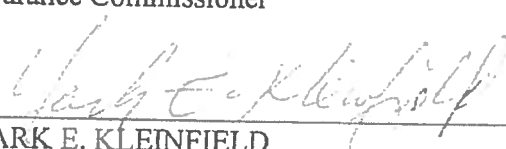
**RECOMMENDED ORDER**

IT IS RECOMMENDED THAT THE TITLE AND ESCROW COMMISSION IMPOSE THE FOLLOWING PENALTY:

Respondent, Magellan Title is assessed an administrative forfeiture in the amount of \$5,000.00 to be paid to the Department within thirty (30) days of the date of the Commission's Order.

DATED this 29<sup>th</sup> day of July, 2014.

TODD E. KISER  
Insurance Commissioner

  
\_\_\_\_\_  
MARK E. KLEINFELD  
Administrative Law Judge  
Utah Insurance Department

**ADOPTION OF RECOMMENDED ORDER AND IMPOSITION OF PENALTY**

By a vote of \_\_\_\_\_ to \_\_\_\_\_, taken in open meeting on this date, the Title and Escrow Commission hereby adopts the recommended order of the presiding officer and imposes the penalty recommended above.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Chairman  
Title and Escrow Commission

**NOTIFICATION TO RESPONDENT**

You are hereby notified that a failure to obey an Order of the Commissioner may subject you to further penalties, including forfeitures of up to \$5,000 per violation and the suspension or revocation of your license and the filing of an action in district court, which may impose forfeitures of up to \$10,000 per day for continued violation.

You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.

**CERTIFICATE OF MAILING**

The undersigned hereby certifies that on this date, a true and correct copy of the  
STIPULATION and ORDER were mailed, postage prepaid, to the following:

**LOUIE D. HAMNER, PRESIDENT  
MAGELLAN TITLE  
6925 S UNION PARK CTR. STE 400  
MIDVALE, UTAH 84047**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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LINDA HARDY  
UTAH INSURANCE DEPARTMENT  
STATE OFFICE BUILDING, ROOM 3110  
SALT LAKE CITY, UT 84114-6901



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Facsimile: 801-366-0378

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**BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF UTAH**

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<p>UTAH INSURANCE DEPARTMENT,</p> <p>Complainant,</p> <p>v.</p> <p>FIDELITY NATIONAL TITLE INSURANCE COMPANY., ID No. 1338, and CHICAGO TITLE INSURANCE COMPANY., ID No. 224, 601 Riverside Ave., Bldg. Five, Fifth Floor, Jacksonville, FL 32204</p> <p>Respondents.</p>	<p><b>STIPULATION AND ORDER</b></p> <p>Docket No. 2014-079 PC Enf. Case No. 3376</p> <p>Mark E. Kleinfield Administrative Law Judge</p>
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**STIPULATION**

The Utah Insurance Department ("Department"), by and through its legal counsel, Gary D. Josephson, Assistant Attorney General, and Respondents Fidelity National Title Insurance Company, ("FNTIC") and Chicago Title Insurance Company, ("CTIC"), by and through their authorized representative, Katie G. Schmidt, hereby stipulate and agree as follows:

1. Respondents Fidelity National Title Insurance Company, ID No. 1338, and Chicago Title Insurance Company, ID No. 224, both hold active certificates of authority from the Utah Insurance Department and have the following business address of 601 Riverside Avenue, Building Five, Fifth Floor, Jacksonville, FL 32204.

2. The Utah Insurance Commissioner and the Title and Escrow Commission have jurisdiction over the parties and subject matter of this administrative action.

3. Respondents acknowledge notice of agency action pursuant to Utah Code § 63G-4-201; acknowledge that this Stipulation and Order is an informal proceeding pursuant to Utah Code § 63G-4-202; and irrevocably waive the right to any hearing, review or appeal concerning this matter.

4. In regards to this administrative proceeding, Respondents have the advice and assistance of legal counsel.

5. This signed Stipulation; the signed and adopted Order by both the Utah Insurance Commissioner, through the administrative law judge, and the Title and Escrow Commission; and the Findings of Fact and Conclusions of Law, shall not be subject to any reconsideration, renegotiation, modification, hearing or agency review or appeal.

6. The parties agree to the Findings of Fact below; however, Respondents do not admit to any liability arising out of the facts.

7. The issuance of the fully signed and adopted Order proposed below is for the purpose of effecting a full and complete global settlement of this and any and all similar cases involving Respondents and now pending before the Department.

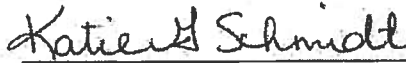
8. The only promises, agreements and understandings that the parties have regarding this matter are contained in this Stipulation.

9. Respondents enter into this Stipulation voluntarily, knowingly, and free from coercion of any kind.

10. The persons signing this Stipulation on behalf of the named parties hereby affirm that they are authorized to sign and bind the parties.

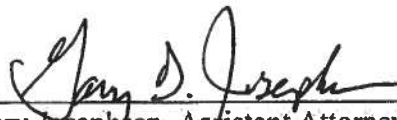
11. Respondents understand that this Stipulation is only fully effective upon approval and signing of the Order by both the administrative law judge and the Utah Title and Escrow Commission.

Dated this 27<sup>th</sup> day of August, 2014.



Katie G. Schmidt, Esq., Authorized Representative,  
Fidelity National Insurance Company and Chicago Title  
Insurance Company

Dated this 27<sup>th</sup> day of August, 2014.



Gary Josephson, Assistant Attorney General  
Utah Insurance Department

Based upon the foregoing Stipulation and information in the Department file, the Administrative law Judge makes the following Findings of Fact:

**FINDINGS OF FACT**

1. As a result of complaints received by the Department, an investigation was conducted concerning the Respondents. The Department investigation found that Respondents were issuing title insurance policies directly to Utah consumers, without having bona fide offices located in the State of Utah.

2. The investigation also determined the Respondents were conducting escrow closings without having required escrow rates previously filed with the Department.

3. Through the investigation, it was determined that at least forty-one title insurance policies were issued to Utah consumers and at least the same number of escrow closings were conducted without escrow rates being filed with the Department.

4. Respondents were cooperative and responsive during the investigation.

5. The Department and Respondents have agreed to the imposition of administrative penalties as follows: (a) \$123,000.00 for insuring title policies directly to consumers without bona fide Utah offices; and (b) \$102,500.00 for conducting escrow closings without filed escrow rates. Penalties total \$225,500.00. Each Respondent agrees to pay one-half of the total penalty.

6. Also, the Department and Respondents have agreed that this Stipulation is to be a global settlement that includes any and all similar cases involving Respondents and now pending before the Department.

7. Finally, the Respondents have agreed to prepare a comprehensive corrective action plan listing the actions to be taken to ensure future compliance with Utah insurance

statutes and rules. The action plan shall be submitted to the Department for approval within 90 days of the Commission's signed Order.

Based upon the foregoing Stipulation and Findings of Fact, the Presiding Officer enters the following Conclusions of Law:

#### CONCLUSIONS OF LAW

1. Utah Code Section 31A-14-211 states that an authorized foreign title insurer may only insure property in the State through a resident title insurance producer or through a bona fide office in Utah. In violation of Section 31A-14-211, Respondents issued title insurance policies to Utah consumers without offices in Utah.
2. Utah Code Section 31A-19-209 requires title insurers, agencies, and individual producers to file escrow rates with the Department prior to issuing any title insurance or conducting any escrow closings. In violation of Section 31A-19-209, Respondents issued title insurance and conducted escrow closings without having rates on file with the Department.
3. An administrative forfeiture in the total amount of \$225,500.00, with each Respondent paying one-half of the forfeiture, for a full and complete global settlement of this and any and all similar cases involving Respondents and now pending before the Department is reasonable and appropriate in this matter. Also, requiring Respondents to provide a proposed action plan filing within 90 days is also appropriate.

Based on the Findings of Fact and Conclusions of Law, the following is recommended :

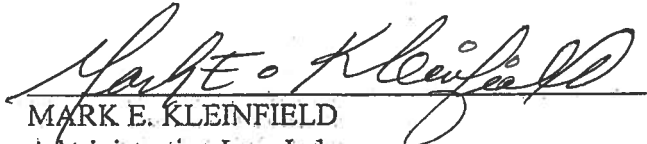
**RECOMMENDED ORDER**

IT IS RECOMMENDED THAT THE TITLE AND ESCROW COMMISSION IMPOSE THE FOLLOWING PENALTY:

1. Respondents, Fidelity National Title Insurance Company and Chicago Title Insurance Company, shall be assessed an administrative forfeiture in the amount of \$225,500.00, with each Respondent paying one-half of the forfeiture, to be paid to the Department within thirty (30) days of the date of the Commission's Order.
2. Respondents shall prepare an action plan listing actions to be taken in the future to ensure compliance with Utah insurance statutes and rules. This plan shall be submitted to the Department for appraisal within 90 days of the date of the fully signed Order.

DATED this 27<sup>th</sup> day of August, 2014.

TODD E. KISER  
Insurance Commissioner

  
MARK E. KLEINFELD  
Administrative Law Judge  
Utah Insurance Department

**ADOPTION OF RECOMMENDED ORDER AND IMPOSITION OF PENALTY**

By a vote of \_\_\_\_ to \_\_\_\_, taken in open meeting on this date, the Title and Escrow Commission hereby adopts the recommended order of the presiding officer and imposes the

penalty recommended above.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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JEFFERY D. WIENER, Chairman  
Title and Escrow Commission

**NOTIFICATION TO RESPONDENT**

You are hereby notified that a failure to obey an Order of the Commissioner may subject you to further penalties, including forfeitures of up to \$5,000 per violation and the suspension or revocation of your license and the filing of an action in district court, which may impose forfeitures of up to \$10,000 per day for continued violation. You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.

**CERTIFICATE OF MAILING**

The undersigned hereby certifies that on this date, a true and correct copy of the  
STIPULATION and ORDER were mailed, postage prepaid, to the following:

Katie G. Schmidt, Esq.  
Fidelity National Title Insurance Co.  
601 Riverside Avenue  
Building Five, fifth Floor  
Jacksonville, FL 32204

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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LINDA HARDY  
UTAH INSURANCE DEPARTMENT  
STATE OFFICE BUILDING, ROOM 3110  
SALT LAKE CITY, UT 84114-6901



Utah Insurance Department  
State Office Building, Room 3110  
Salt Lake City, UT 84114  
Phone: (801) 538-3800  
Tammy Greening, Examiner  
Phone: (801) 538-3786

**BEFORE THE INSURANCE COMMISSIONER  
STATE OF UTAH**

**UTAH INSURANCE DEPARTMENT,  
COMPLAINANT**

vs

**ARTISAN TITLE INSURANCE AGENCY,  
INC. License No. 352917,  
RESPONDENT**

**NOTICE OF INFORMAL  
AGENCY ACTION  
AND ORDER**

Docket No. 2014-094 PC  
Enf. Case No. 3528  
Judge Mark E. Kleinfield  
Administrative Law Judge

The Utah Insurance Department has commenced this informal adjudicative proceeding pursuant to Utah Code Ann. §§ 31A-2-201 and 63G-4-201 and Utah Admin. Code R590-160. Based upon information contained in agency files or known to the Department, the Department asserts the following facts:

**FACTS**

1. Respondent is a resident title insurance agency authorized to do the business of insurance in the State of Utah, holding license number 352917.
2. Respondent failed to file a complete Annual Report and Controlled Business Reports for calendar year 2013 by the annual due date of April 30.
3. Respondent also failed to timely file its Annual and Controlled Business Reports for calendar years 2012 by the annual due date April 30.

4. Respondent failed to respond to an inquiry of the Commissioner on June 19, 2014 and again on July 22, 2014.

5. As of the date of this Notice of Agency Action and Order, no response has been received.

#### BASED UPON THE FOREGOING FACTS

1. In failing to file a complete 2013 Annual and Controlled Business report the Respondent violated Utah Code § 31A-23-413 and Utah Admin. Code R592-11-3(4).

Based upon the foregoing facts, the Commissioner now enters the following Order:

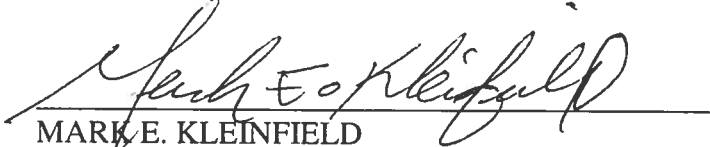
#### **ORDER**

##### **IT IS HEREBY ORDERED:**

1. Respondent is assessed an administrative forfeiture in the amount of \$3,000. Said forfeiture shall be paid no later than ten (10) days after the date this Order becomes final.
2. Respondent shall provide a substantive response to the Commissioner's inquiry no later than ten (10) days after the date this Order becomes final.
3. This Order shall become final fifteen (15) days after the date of mailing unless a written request for a hearing is received from the Respondent in the offices of the department prior to that date. A written request for a hearing shall be signed by the person making the request and shall state the basis for the relief requested.

DATED THIS 29 day of August, 2014.

TODD E. KISER  
INSURANCE COMMISSIONER



MARK E. KLEINFELD  
Administrative Law Judge  
Utah Insurance Department  
State Office Building, Room 3110  
Salt Lake City, Utah 84114  
Telephone (801) 538-3800

### **NOTIFICATION**

If you request a hearing regarding this matter, please contact the Examiner, Tammy Greening at (801) 538-3786. Failure to request a hearing will be considered a failure to exhaust administrative remedies and will preclude any further administrative or judicial review or appeal of this matter.

You are further notified that a failure to obey an Order of the commissioner may subject you to further penalties, including forfeitures of up to \$5,000.00 per violation and the suspension or revocation of your license and the filing of an action to enforce this Order in District Court which may impose forfeitures of up to \$10,000.00 per day for continued violation.

You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.

## CERTIFICATE OF MAILING

The undersigned certifies on this date, a true and correct copy of the forgoing NOTICE OF INFORMAL AGENCY ACTION AND ORDER was mailed, postage prepaid, to the following:

**Artisan Title Insurance Agency, Inc.**  
6975 South Union Park #390  
Cottonwood Heights, UT 84047

DATED this 29<sup>Th</sup> August, 2014

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LINDA HARDY  
UTAH INSURANCE DEPARTMENT  
STATE OFFICE BUILDING, ROOM 3110  
SALT LAKE CITY, UT 84114-6901

Utah Insurance Department  
State Office Building, Room 3110  
Salt Lake City, UT 84114  
Phone: (801) 538-3800  
Tammy Greening, Examiner  
Phone: (801) 538-3786

**BEFORE THE INSURANCE COMMISSIONER  
STATE OF UTAH**

**UTAH INSUARANCE DEPARTMENT,  
COMPLAINANT**

vs

**REAL ADVANTAGE TITLE INSURANCE,  
AGENCY, LLC. License No. 365585,  
RESPONDENT**

**NOTICE OF INFORMAL  
AGENCY ACTION  
AND ORDER**

Docket No.  
Enf. Case No. 3527  
Judge Mark E. Kleinfield  
Administrative Law Judge

The Utah Insurance Department has commenced this informal adjudicative proceeding pursuant to Utah Code Ann. §§ 31A-2-201 and 63G-4-201 and Utah Admin. Code R590-160. Based upon information contained in agency files or known to the Department, the Department asserts the following facts:

**FACTS**

1. Respondent is a resident title insurance agency authorized to do the business of insurance in the State of Utah, holding license number 365585.
2. Respondent failed to timely file its Annual Report and Controlled Business Reports for calendar year 2013 by the annual due date of April 30.

BASED UPON THE FOREGOING FACTS

1. In failing to timely file the 2013 Annual and Controlled Business reports the Respondent violated Utah Code § 31A-23-413 and Utah Admin. Code R592-11-3(4).

Based upon the foregoing facts, the Commissioner now enters the following Order:

**ORDER**

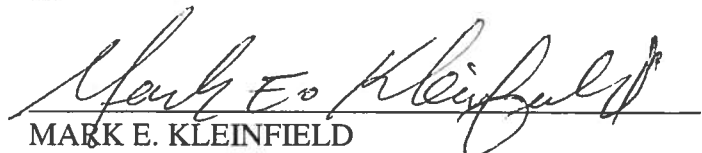
**IT IS HEREBY ORDERED:**

1. Respondent is assessed an administrative forfeiture in the amount of \$1,000. Said forfeiture shall be paid no later than ten (10) days after the date this Order becomes final.

2. This Order shall become final fifteen (15) days after the date of mailing unless a written request for a hearing is received from the Respondent in the offices of the department prior to that date. A written request for a hearing shall be signed by the person making the request and shall state the basis for the relief requested.

DATED THIS 29 day of August, 2014.

TODD E. KISER  
INSURANCE COMMISSIONER



MARK E. KLEINFELD  
Administrative Law Judge  
Utah Insurance Department  
State Office Building, Room 3110  
Salt Lake City, Utah 84114  
Telephone (801) 538-3800

### **NOTIFICATION**

If you request a hearing regarding this matter, please contact the Examiner, Tammy Greening at (801) 538-3786. Failure to request a hearing will be considered a failure to exhaust administrative remedies and will preclude any further administrative or judicial review or appeal of this matter.

You are further notified that a failure to obey an Order of the commissioner may subject you to further penalties, including forfeitures of up to \$5,000.00 per violation and the suspension or revocation of your license and the filing of an action to enforce this Order in District Court which may impose forfeitures of up to \$10,000.00 per day for continued violation.

You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.

## CERTIFICATE OF MAILING

The undersigned certifies on this date, a true and correct copy of the forgoing NOTICE OF INFORMAL AGENCY ACTION AND ORDER was mailed, postage prepaid, to the following:

Real Advantage Title Insurance Agency, LLC  
Attn: Wendie  
1000 Commerce Drive, 5<sup>th</sup> Floor  
Pittsburgh, PA 15275

DATED this 29<sup>th</sup> August, 2014

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LINDA HARDY  
UTAH INSURANCE DEPARTMENT  
STATE OFFICE BUILDING, ROOM 3110  
SALT LAKE CITY, UT 84114-6901





## Insurance Department

TODD E. KISER  
*Insurance Commissioner*

**State of Utah**  
GARY R. HERBERT  
*Governor*

SPENCER J. COX  
*Lieutenant Governor*

### Bulletin 2014-\_\_

**To:** Title Insurers, Individual Title Insurance Producers, Agency Title Insurance Producers and Escrow Agents

**From:** Todd E. Kiser, Utah Insurance Commissioner

**Date:** October \_\_, 2014

**Subject:** **Required Retention of Title and Escrow Records Pursuant to 31A-20-110 and 31A-23a-412**

The purpose of this Bulletin is to highlight to title insurers, individual title insurance producers, agency title insurance producers and escrow agents the statutory requirements related to retention of title related records and escrow related records.

Section 31A-20-110(1) of the Utah Code Annotated ("U.C.A.") specifically controls retention of title related records and does not apply to other lines or types of insurance related records. This section requires records related to a *title search and examination*, used for purposes of underwriting and determining insurability, be retained for not less than fifteen (15) years after the policy is issued. It is the responsibility of the title insurer, individual title insurance producer or agency title insurance producer to maintain the required records.

U.C.A. §31A-23a-412 applies generally to all lines and types of insurance conducted in Utah, including *escrow* transactions involving real property. Subsection (5)(a) requires books and records be retained and be available for inspection for the remainder of the current calendar year plus three full additional years.

It is, therefore, the interpretation of the Utah Department of Insurance ("Department") that records related to title search, examination and underwriting used to determine insurability must be retained and be available for inspection for not less than fifteen (15) years after the underlying policy is issued. Records related solely to escrow<sup>1</sup> must be maintained for three full calendar years plus the rest of the current calendar year.

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<sup>1</sup> 31A-1-301(58) (58) (a) "Escrow" means:

(i) a transaction that effects the sale, transfer, encumbering, or leasing of real property, when a person not a party to the transaction, and neither having nor acquiring an interest in the title, performs, in accordance with the written instructions or terms of the written agreement between the parties to the transaction, any of the following actions:

(A) the explanation, holding, or creation of a document; or

The Department recognizes that in practice title related records and escrow related records may be maintained in the same file and may be difficult or impossible to separate. In that case, the entire file must be retained for not less than fifteen (15) years after the underlying title policy is issued.

A record may be maintained either in "its original form or as recorded by any process which can accurately and reliably reproduce the original." U.C.A. 31A-20-108.

In the event that an individual title insurance producer or agency title insurance producer discontinues title and escrow business operations it is the \_\_\_\_ that is responsible to maintain the required records.

**DATED** this \_\_\_\_ day of October 2014.

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Todd E. Kiser  
Insurance Commissioner

- 
- (B) the receipt, deposit, and disbursement of money;
  - (ii) a settlement or closing involving:
    - (A) a mobile home;
    - (B) a grazing right;
    - (C) a water right; or
    - (D) other personal property authorized by the commissioner.
  - (b) "Escrow" does not include:
    - (i) the following notarial acts performed by a notary within the state:
      - (A) an acknowledgment;
      - (B) a copy certification;
      - (C) jurat; and
      - (D) an oath or affirmation;
    - (ii) the receipt or delivery of a document; or
    - (iii) the receipt of money for delivery to the escrow agent.